

SECOND REGULAR SESSION

# SENATE JOINT RESOLUTION NO. 51

## 96TH GENERAL ASSEMBLY

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INTRODUCED BY SENATOR LEMBKE.

Read 1st time February 27, 2012, and ordered printed.

TERRY L. SPIELER, Secretary.

5988S.011

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### JOINT RESOLUTION

Submitting to the qualified voters of Missouri, an amendment repealing section 25(d) of article V of the Constitution of Missouri, and adopting one new section in lieu thereof relating to nonpartisan judicial commission.

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*Be it resolved by the Senate, the House of Representatives concurring therein:*

That at the next general election to be held in the state of Missouri, on  
2 Tuesday next following the first Monday in November, 2012, or at a special  
3 election to be called by the governor for that purpose, there is hereby submitted  
4 to the qualified voters of this state, for adoption or rejection, the following  
5 amendment to article V of the Constitution of the state of Missouri:

Section A. Section 25(d), article V, Constitution of Missouri, is repealed  
2 and one new section adopted in lieu thereof, to be known as section 25(d), to read  
3 as follows:

Section 25(d). Nonpartisan judicial commissions whose duty it shall be to  
2 nominate and submit to the governor names of persons for appointment as  
3 provided by sections 25(a)-(g) are hereby established and shall be organized on  
4 the following basis: For vacancies in the office of judge of the supreme court or  
5 of the court of appeals, there shall be one such commission, to be known as "The  
6 Appellate Judicial Commission"; for vacancies in the office of circuit judge or  
7 associate circuit judge of any circuit court subject to the provisions of sections  
8 25(a)-(g) there shall be one such commission, to be known as "The ..... Circuit  
9 Judicial Commission", for each judicial circuit which shall be subject to the  
10 provisions of sections 25(a)-(g); the appellate judicial commission shall consist of  
11 [a judge of the supreme court selected by the members of the supreme court, and  
12 the remaining members shall be chosen in the following manner: The members

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

13 of the bar of this state residing in each court of appeals district shall elect one of  
14 their number to serve as a member of said commission, and] **seven individuals**  
15 **appointed by** the governor [shall appoint one citizen, not a member], **with the**  
16 **advice and consent of the senate, that are not a member** of the bar, [from  
17 among the residents of each court of appeals district,] **judiciary, or the spouse**  
18 **of a member of the bar or judiciary**, to serve as a member of said  
19 commission, and the members of the commission shall select one of their number  
20 to serve as chairman. Each circuit judicial commission shall consist of five  
21 members[, one of whom shall be the chief judge of the district of the court of  
22 appeals within which the judicial circuit of such commission, or the major portion  
23 of the population of said circuit is situated and the remaining four members shall  
24 be chosen in the following manner: The members of the bar of this state residing  
25 in the judicial circuit of such commission shall elect two of their number to serve  
26 as members of said commission, and] **appointed by** the governor [shall appoint  
27 two citizens], **with the advice and consent of the senate, that are not**  
28 **members of the bar, judiciary, or the spouse of a member of the bar or**  
29 **judiciary**, from among the residents of said judicial circuit to serve as members  
30 of said commission, the members of the commission shall select one of their  
31 number to serve as chairman[; and the terms of office of the members of such  
32 commission shall be fixed by law, but no law shall increase or diminish the term  
33 of any member then in office]. **The terms of commission members serving**  
34 **on January 15, 2013, will have their terms end on that day. The**  
35 **governor shall appoint four members to the appellate judicial**  
36 **commission and three members to each circuit judicial commission to**  
37 **serve for a term ending January 15, 2017. The governor shall appoint**  
38 **three members to the appellate judicial commission and two members**  
39 **to each circuit judicial commission to serve for a term ending January**  
40 **15, 2015. The terms of all subsequently appointed commission members**  
41 **shall end four years after the termination of the prior term.** No member  
42 of any such commission other than a judge shall hold any public office, and no  
43 member shall hold any official position in a political party. Every such  
44 commission may act only by the concurrence of a majority of its members. The  
45 members of such commission shall receive no salary or other compensation for  
46 their services but they shall receive their necessary traveling and other expenses  
47 incurred while actually engaged in the discharge of their official duties. All such  
48 commissions shall be administered, and all elections provided for under this

49 section shall be held and regulated, under such rules as the supreme court shall  
50 promulgate.

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Unofficial

Bill

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